

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 64

AN ACT

To repeal sections 160.041, 167.121, 168.021, 171.031, and 171.033, RSMo, and to enact in lieu thereof six new sections relating to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 160.041, 167.121, 168.021, 171.031, and
2 171.033, RSMo, are repealed and six new sections enacted in lieu
3 thereof, to be known as sections 160.041, 161.375, 167.121,
4 168.021, 171.031, and 171.033, to read as follows:

5 160.041. 1. The "minimum school day" consists of three
6 hours in which the pupils are under the guidance and direction of
7 teachers in the teaching process. A "school month" consists of
8 four weeks of five days each. The "school year" commences on the
9 first day of July and ends on the thirtieth day of June
10 following.

11 2. Notwithstanding the provisions of subsection 1 of this
12 section, the commissioner of education is authorized to reduce
13 the required number of hours and days in which the pupils are
14 under the guidance and direction of teachers in the teaching

process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033, RSMo, prevents students from attending the public school facility.

Such reduction shall not [to] extend beyond two calendar years in duration.

161.375. 1. The department of elementary and secondary education shall develop standards for high-quality mentoring for beginning teachers and beginning principals no later than June 30, 2008. The standards shall be applicable to all public schools and shall be developed to ensure that the required district mentoring programs under subsection 3 of section 168.021, RSMo, meet common objectives.

2. Such standards shall be established for both of the required years of mentoring under subsection 3 of section 168.021, RSMo, and shall be based upon, but not be limited to, the following principles:

(1) Every district shall have a teacher-driven mentor program in collaboration with and support of the administration;

(2) Guidance and support are required for all beginning teachers, regardless of when they enter the profession;

(3) Communication between mentors and beginning teachers is open and confidential;

(4) Quality mentors are necessary to establish beginning teachers' trust and respect for their colleagues and profession;

1 and

2 (5) All staff members provide informal support for
3 beginning teachers.

4 3. Quality mentor programs shall include, but not be
5 limited to, the following:

6 (1) An introduction to the cultural environment of the
7 community and the school district;

8 (2) A systemic and ongoing evaluation by all stakeholders;

9 (3) An individualized plan for beginning teachers that
10 aligns with the district's goals and needs;

11 (4) Appropriate criteria for selecting mentors;

12 (5) Comprehensive mentor training;

13 (6) A complete list of responsibilities for the mentor,
14 beginning teacher, and administrators; and

15 (7) Sufficient time for mentors to observe beginning
16 teachers and for the beginning teachers to observe master
17 teachers, structured to provide multiple opportunities over time
18 and to minimize the need to require substitute teachers to
19 facilitate observation.

20 4. In developing such standards, the department shall
21 involve representatives from the state teacher organizations,
22 administration and principal organizations, Missouri advisory
23 council for the certification of educators as created by section
24 168.015, RSMo, Missouri staff development council, and from
25 colleges and universities.

26 167.121. 1. If the residence of a pupil is so located that
27 attendance in the district of residence constitutes an unusual or
28 unreasonable transportation hardship because of natural barriers,

1 travel time, or distance, the commissioner of education or his
2 designee may assign the pupil to another district. Subject to
3 the provisions of this section, all existing assignments shall be
4 reviewed prior to July 1, 1984, and from time to time thereafter,
5 and may be continued or rescinded. The board of education of the
6 district in which the pupil lives shall pay the tuition of the
7 pupil assigned. The tuition shall not exceed the pro rata cost
8 of instruction.

9 2. (1) For the school year beginning July 1, 2008, and
10 each succeeding school year, a parent or guardian residing in a
11 lapsed public school district or a district that has scored
12 either unaccredited or provisionally accredited, or a combination
13 thereof, on two consecutive annual performance reports may enroll
14 the parent's or guardian's child in the Missouri virtual school
15 created in section 161.670, RSMo, provided the pupil first
16 enrolls in the school district of residence. The school district
17 of residence shall include the pupil's enrollment in the virtual
18 school created in section 161.670, RSMo, in determining the
19 district's average daily attendance. Full-time enrollment in the
20 virtual school shall constitute one average daily attendance
21 equivalent in the school district of residence. Average daily
22 attendance for part-time enrollment in the virtual school shall
23 be calculated as a percentage of the total number of virtual
24 courses enrolled in divided by the number of courses required for
25 full-time attendance in the school district of residence.

26 (2) A pupil's residence, for purposes of this section,
27 means residency established under section 167.020, RSMo. Except
28 for students residing in a K-8 district attending high school in

1 a district under section 167.131, RSMo, the board of the home
2 district shall pay to the virtual school the amount required
3 under section 161.670, RSMo.

4 (3) Nothing in this section shall require any school
5 district or the state to provide computers, equipment, Internet
6 or other access, supplies, materials or funding, except as
7 provided in this section, as may be deemed necessary for a pupil
8 to participate in the virtual school created in section 161.670,
9 RSMo.

10 (4) Any rule or portion of a rule, as that term is defined
11 in section 536.010, RSMo, that is created under the authority
12 delegated in this section shall become effective only if it
13 complies with and is subject to all of the provisions of chapter
14 536, RSMo, and, if applicable, section 536.028, RSMo. This
15 section and chapter 536, RSMo, are nonseverable and if any of the
16 powers vested with the general assembly pursuant to chapter 536,
17 RSMo, to review, to delay the effective date, or to disapprove
18 and annul a rule are subsequently held unconstitutional, then the
19 grant of rulemaking authority and any rule proposed or adopted
20 after August 28, 2007, shall be invalid and void.

21 168.021. 1. Certificates of license to teach in the public
22 schools of the state shall be granted as follows:

23 (1) By the state board, under rules and regulations
24 prescribed by it,

25 (a) Upon the basis of college credit;

26 (b) Upon the basis of examination;

27 (2) By the state board, under rules and regulations
28 prescribed by the state board with advice from the advisory

1 council established by section 168.015 to any individual who
2 presents to the state board a valid doctoral degree from an
3 accredited institution of higher education accredited by a
4 regional accrediting association such as North Central
5 Association. Such certificate shall be limited to the major area
6 of postgraduate study of the holder, shall be issued only after
7 successful completion of the examination required for graduation
8 pursuant to rules adopted by the state board of education, and
9 shall be restricted to those certificates established pursuant to
10 subdivision (1) of subsection 3 of this section; or

11 (3) By the state board, which shall issue the professional
12 certificate classification in both the general and specialized
13 areas most closely aligned with the current areas of
14 certification approved by the state board, commensurate with the
15 years of teaching experience of the applicant, and based upon the
16 following criteria:

17 (a) Recommendation of a state-approved baccalaureate-level
18 teacher preparation program;

19 (b) Successful attainment of the Missouri qualifying score
20 on the exit assessment for teachers or administrators designated
21 by the state board of education. Applicants who have not
22 successfully achieved a qualifying score on the designated
23 examinations will be issued a two-year nonrenewable provisional
24 certificate; and

25 (c) Upon completion of a background check and possession of
26 a valid teaching certificate in the state from which the
27 applicant's teacher preparation program was completed; or

28 (4) By the state board, under rules and regulations

1 prescribed by it, on the basis of certification by the American
2 Board for Certification of Teacher Excellence (ABCTE) in the
3 areas of elementary education and special education and
4 verification of ability to work with children as demonstrated by
5 employment as a paraprofessional or teacher of record for one
6 school year in a public, private or charter school prior to
7 receiving initial certification, as validated by the school
8 principal, for an initial four-year ABCTE professional
9 certificate of license to teach. Upon completion of the
10 requirements listed in paragraphs (a), (b), (c), (d), and (e) of
11 this subdivision, an applicant shall be eligible to apply for a
12 career continuous professional certificate under subdivision (2)
13 of subsection 3 of this section:

14 _____ (a) Completion of the thirty contact hours of professional
15 development within four years, which may include hours spent in
16 class in an appropriate college curriculum;

17 _____ (b) Validated completion of two years of the mentoring
18 program of the American Board for Certification of Teacher
19 Excellence or a district mentoring program approved by the state
20 board of education;

21 _____ (c) Attainment of a successful performance-based teacher
22 evaluation;

23 _____ (d) Participation in a beginning teacher assistance
24 program; and

25 _____ (e) Successful attainment of the Missouri qualifying score
26 on the exit assessment for teachers designated by the state board
27 of education within two years;

28 _____ (5) By the state board, under rules and regulations

1 prescribed by it, on the basis of certification by the American
2 Board for Certification of Teacher Excellence (ABCTE) in all
3 other certification areas not described in subdivision (4) of
4 this subsection and verification of ability to work with children
5 as demonstrated by sixty contact hours in any one of the
6 following areas as validated by the school principal: sixty
7 contact hours in the classroom, of which at least forty-five must
8 be teaching; sixty contact hours as a substitute teacher, with at
9 least thirty consecutive hours in the same classroom; sixty
10 contact hours of teaching in a public, private or charter school;
11 or sixty contact hours of teaching as a paraprofessional, for an
12 initial four-year ABCTE professional certificate of license to
13 teach. Upon completion of the requirements listed in paragraphs
14 (a), (b), (c), (d), and (e) of this subdivision, an applicant
15 shall be eligible to apply for a career continuous professional
16 certificate under subdivision (2) of subsection 3 of this
17 section:

18 _____ (a) Completion of the thirty contact hours of professional
19 development within four years, which may include hours spent in
20 class in an appropriate college curriculum;

21 _____ (b) Validated completion of two years of the mentoring
22 program of the American Board for Certification of Teacher
23 Excellence or a district mentoring program approved by the state
24 board of education;

25 _____ (c) Attainment of a successful performance-based teacher
26 evaluation;

27 _____ (d) Participation in a beginning teacher assistance
28 program; and

1 (e) Successful attainment of the Missouri qualifying score
2 on the exit assessment for teachers designated by the state board
3 of education within two years.

4 2. All valid teaching certificates issued pursuant to law
5 or state board policies and regulations prior to September 1,
6 1988, shall be exempt from the professional development
7 requirements of this section and shall continue in effect until
8 they expire, are revoked or suspended, as provided by law. When
9 such certificates are required to be renewed, the state board or
10 its designee shall grant to each holder of such a certificate the
11 certificate most nearly equivalent to the one so held. Anyone
12 who holds, as of August 28, 2003, a valid PC-I, PC-II, or
13 continuous professional certificate shall, upon expiration of his
14 or her current certificate, be issued the appropriate level of
15 certificate based upon the classification system established
16 pursuant to subsection 3 of this section.

17 3. Certificates of license to teach in the public schools
18 of the state shall be based upon minimum requirements prescribed
19 by the state board of education. The state board shall provide
20 for the following levels of professional certification: an
21 initial professional certificate and a career continuous
22 professional certificate.

23 (1) The initial professional certificate shall be issued
24 upon completion of requirements established by the state board of
25 education and shall be valid based upon verification of actual
26 teaching within a specified time period established by the state
27 board of education. The state board shall require holders of the
28 four-year initial professional certificate to:

1 (a) Participate in a mentoring program approved and
2 provided by the district for a minimum of two years;

3 (b) Complete thirty contact hours of professional
4 development, which may include hours spent in class in an
5 appropriate college curriculum; and

6 (c) Participate in a beginning teacher assistance program;

7 (2) (a) The career continuous professional certificate
8 shall be issued upon verification of completion of four years of
9 teaching under the initial professional certificate and upon
10 verification of the completion of the requirements articulated in
11 paragraphs (a), (b), and (c) of subdivision (1) of this
12 subsection, or paragraphs (a), (b), (c), (d), and (e) of
13 subdivision (4) and (5) of subsection 1 of this section.

14 (b) The career continuous professional certificate shall be
15 continuous based upon verification of actual employment in an
16 educational position as provided for in state board guidelines
17 and completion of fifteen contact hours of professional
18 development per year which may include hours spent in class in an
19 appropriate college curriculum. Should the possessor of a valid
20 career continuous professional certificate fail, in any given
21 year, to meet the fifteen-hour professional development
22 requirement, the possessor may, within two years, make up the
23 missing hours. In order to make up for missing hours, the
24 possessor shall first complete the fifteen-hour requirement for
25 the current year and then may count hours in excess of the
26 current year requirement as make-up hours. Should the possessor
27 fail to make up the missing hours within two years, the
28 certificate shall become inactive. In order to reactivate the

1 certificate, the possessor shall complete twenty-four contact
2 hours of professional development which may include hours spent
3 in the classroom in an appropriate college curriculum within the
4 six months prior to or after reactivating his or her certificate.
5 The requirements of this paragraph shall be monitored and
6 verified by the local school district which employs the holder of
7 the career continuous professional certificate.

8 (c) A holder of a career continuous professional
9 certificate shall be exempt from the professional development
10 contact hour requirements of paragraph (b) of this subdivision if
11 such teacher has a local professional development plan in place
12 within such teacher's school district and meets two of the three
13 following criteria:

14 a. Has ten years of teaching experience as defined by the
15 state board of education;

16 b. Possesses a master's degree; or

17 c. Obtains a rigorous national certification as approved by
18 the state board of education.

19 4. Policies and procedures shall be established by which a
20 teacher who was not retained due to a reduction in force may
21 retain the current level of certification. There shall also be
22 established policies and procedures allowing a teacher who has
23 not been employed in an educational position for three years or
24 more to reactivate his or her last level of certification by
25 completing twenty-four contact hours of professional development
26 which may include hours spent in the classroom in an appropriate
27 college curriculum within the six months prior to or after
28 reactivating his or her certificate.

1 5. The state board shall, upon an appropriate background
2 check, issue a professional certificate classification in the
3 areas most closely aligned with an applicant's current areas of
4 certification, commensurate with the years of teaching experience
5 of the applicant, to any person who is hired to teach in a public
6 school in this state and who possesses a valid teaching
7 certificate from another state, provided that the certificate
8 holder shall annually complete the state board's requirements for
9 such level of certification, and shall establish policies by
10 which residents of states other than the state of Missouri may be
11 assessed a fee for a certificate license to teach in the public
12 schools of Missouri. Such fee shall be in an amount sufficient
13 to recover any or all costs associated with the issuing of a
14 certificate of license to teach.

15 6. The state board may assess to holders of an initial
16 professional certificate a fee, to be deposited into the
17 excellence in education revolving fund established pursuant to
18 section 160.268, RSMo, for the issuance of the career continuous
19 professional certificate. However, such fee shall not exceed the
20 combined costs of issuance and any criminal background check
21 required as a condition of issuance. Applicants for the initial
22 ABCTE certificate shall be responsible for any fees associated
23 with the program leading to the issuance of the certificate, but
24 nothing in this section shall prohibit a district from developing
25 a policy that permits fee reimbursement.

26 7. Any member of the public school retirement system of
27 Missouri who entered covered employment with ten or more years of
28 educational experience in another state or states and held a

1 certificate issued by another state and subsequently worked in a
2 school district covered by the public school retirement system of
3 Missouri for ten or more years who later became certificated in
4 Missouri shall have that certificate dated back to his or her
5 original date of employment in a Missouri public school.

6 8. The provisions of subdivisions (4) and (5) of subsection
7 1 of this section shall expire five years from the effective date
8 of this act.

9 171.031. 1. Each school board shall prepare annually a
10 calendar for the school term, specifying the opening date and
11 providing a minimum term of at least one hundred seventy-four
12 days and one thousand forty-four hours of actual pupil
13 attendance. In addition, such calendar shall include six makeup
14 days for possible loss of attendance due to inclement weather as
15 defined in subsection 1 of section 171.033.

16 2. Each local school district may set its opening date each
17 year, which date shall be no earlier than ten calendar days prior
18 to the first Monday in September. No public school district
19 shall select an earlier start date unless the district follows
20 the procedure set forth in subsection 3 of this section.

21 3. A district may set an opening date that is more than ten
22 calendar days prior to the first Monday in September only if the
23 local school board first gives public notice of a public meeting
24 to discuss the proposal of opening school on a date more than ten
25 days prior to the first Monday in September, and the local school
26 board holds said meeting and, at the same public meeting, a
27 majority of the board votes to allow an earlier opening date. If
28 all of the previous conditions are met, the district may set its

opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.

171.033. 1. [Except as provided in subsections 3 and 4 of this section, no school district shall be exempt from any requirement to make up any days of school lost or canceled due to inclement weather, unless that school district schedules at least two-thirds as many make-up days for a school year as were lost in

1 the previous school year, which days shall be in addition to the
2 school calendar days required for a school term by section
3 171.031] "Inclement weather", for purposes of this section, shall
4 be defined as ice, snow, extreme cold, flooding, or a tornado,
5 but such term shall not include excessive heat.

6 2. [If, after using the make-up days referred to in
7 subsection 1, a district does not meet the requirement for a term
8 of one hundred seventy-four days of actual pupil attendance, it]
9 A district shall be required to make up [no more than eight
10 additional] the first six days of school lost or canceled due to
11 inclement weather and half the number of days lost or canceled in
12 excess of [eight] six days.

13 3. In the 2005-06 school year, a school district may be
14 exempt from the requirement to make up days of school lost or
15 canceled due to inclement weather occurring after April 1, 2006,
16 in the school district, but such reduction of the minimum number
17 of school days shall not exceed five days when a district has
18 missed more than seven days overall, such reduction to be taken
19 as follows: one day for eight days missed, two days for nine
20 days missed, three days for ten days missed, four days for eleven
21 days missed, and five days for twelve or more days missed. The
22 requirement for scheduling two-thirds of the missed days into the
23 next year's calendar pursuant to subsection 1 of this section
24 shall be waived for the 2006-07 school year.

25 4. The commissioner of education may provide, for any
26 school district in which schools are in session for twelve months
27 of each calendar year that cannot meet the minimum school
28 calendar requirement of at least one hundred seventy-four days

1 and one thousand forty-four hours of actual pupil attendance,
2 upon request, a waiver to be excused from such requirement. This
3 waiver shall be requested from the commissioner of education and
4 may be granted if the school was closed due to circumstances
5 beyond school district control, including inclement weather,
6 flooding or fire.

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14 Jack Goodman

Maynard Wallace